

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-093384

11/16/2011

HONORABLE DAVID B. GASS

CLERK OF THE COURT

L. Nevenhoven

Deputy

IN RE THE MARRIAGE OF
KATIE ELLEN WHITE

KATIE ELLEN WHITE
1283 WPARKLANE BLVD APT 265
CHANDLER AZ 85224

AND

DAVID LEE KING JR.

DAVID LEE KING JR.
500 N ROOSEVELT #124
CHANDLER AZ 85226

CONCILIATION SERVICES-SE
OFFICE OF PUBLIC DEFENSE
SERVICES-CCC

MINUTE ENTRY

Courtroom 301 - SEF

1:32 p.m. This is the time set for Resolution Management Conference regarding the *Petition for Modification of Custody and Parenting Time* filed by Petitioner on May 16, 2011, and the *Response to Notice of Filing Petition for Modification of Child Custody* filed by Respondent on July 19, 2011. Petitioner, Katie White, is present on her own behalf. Respondent, David King, Jr., is present on his own behalf.

A recording of this proceeding is being made by audio and/or videotape in lieu of a court reporter.

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Discussion is held.

Katie White and David King are sworn and testify.

IT IS ORDERED that both parties shall separately attend and complete a High Conflict Resolution class within 60 days of the date of this order. Based on this order you will be registered and notified by mail of the date/time/location of the class. If you have any questions regarding the class to which you have been assigned please call 602-506-6124. A **\$50** fee is required to attend the class. Please present the instruction form or this Court Order with payment at any Clerk of Superior Court filing counter at least 5 days prior to your scheduled class. Each party must bring a copy of the payment or deferral receipt, or a confirmation number of a telephonic transaction to class to be admitted.

WARNING

IF YOU APPEAR LATE OR ATTEMPT TO ATTEND THE CLASS WITHOUT CONFIRMATION OF PAYMENT (AS DEFINED ABOVE) YOU WILL BE TURNED AWAY FROM THE CLASS. IF YOU FAIL TO ATTEND THE CLASS OR ARE TURNED AWAY, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND FOR ANY REASON, YOU MUST REQUEST AND BE GRANTED PERMISSION TO RESCHEDULE YOUR ATTENDANCE AT LEAST 24 HOURS BEFORE THE SCHEDULED CLASS. PLEASE CALL THE NUMBER LISTED ABOVE IF YOU NEED TO REQUEST TO RESCHEDULE YOUR ATTENDANCE.

IT IS FURTHER ORDERED that on or before **June 30, 2012**, Mother and Father must successfully complete a parenting class and file a certificate of completion with the Court.

- To comply with this parenting class requirement, Mother and Father must take an age appropriate class for parenting school-age children.
- To satisfy this requirement, Mother and Father may attend any of the following: (1) Active Parenting Class for Parents of Children Ages 3-12 offered by Family Services at Arizona State University (Six-week class); (2) Class 2: A 10-Week Class for Parents of School Age Children offered by Parenting Skills Program (480) 967-6895; or (3) Nurturing Program for Parents with Children Ages 5-12 (Ten-week class) offered by Parenting Arizona (602) 248-0428. Alternatively, Mother or Father may take the online parenting class at http://www.activeparenting.com/APOG_main.
- Mother and Father do not have to take the same class.

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- If Mother or Father wishes to enroll in a different parenting class to comply with this Order, that parent must apply for prior approval from the Court.
- If Mother or Father fails to secure prior approval from this Court, this Court will not consider the parenting class for purposes of compliance.

IT IS FURTHER ORDERED that both parties shall enroll and participate in a Domestic Violence program at an appropriate facility for a minimum of ten (10) weeks. An example of an appropriate facility is SAGE Counseling on Alma School Rd. in Mesa, AZ. Their phone number is (480) 649-3352.

THE COURT FINDS that it is appropriate to identify a Court-Appointed Advisor in this matter. Both parties are alleging alienation of the minor child with the other parent. The minor child is also having discipline issues in Mother's residence and at school.

IT IS ORDERED directing the Office of Public Defense to identify a Court-Appointed Advisor in this matter. A separate minute entry shall issue. The Court takes the matter of the payment of the Court-Appointed Advisor's fees and costs under advisement.

Upon agreement of the parties,

IT IS ORDERED modifying the parenting time schedule to allow Mother to have parenting time during the third weekend of the month commencing December 16, 2011, and Father shall get a whole weekend through Sunday during the second weekend of the month commencing December 8, 2011.

IT IS FURTHER ORDERED that Mother shall send an email to Father giving him an update regarding the child every Wednesday. Father shall send an email to Mother giving her an update regarding the child on the morning of the last day of his parenting time.

IT IS FURTHER ORDERED that the regular email must focus on the child, his activities, and how he is doing. If he has any homework, extracurricular activities, or appointments, the message should also address those issues.

IT IS FURTHER ORDERED that the regular email shall not be negative, shall not be used criticize the other parent, and shall not be used to resolve problems. It should be a positive communication between the parents about the child.

IT IS FURTHER ORDERED that in ALL communications, Mother and Father be respectful in their tone and shall not use any profanities or expletives.

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IT IS FURTHER ORDERED setting this matter for **Evidentiary Hearing** regarding the *Petition for Modification of Custody and Parenting Time* filed by Petitioner on May 16, 2011, and the *Response to Notice of Filing Petition for Modification of Child Custody* filed by Respondent on July 19, 2011, for **March 8, 2012, at 10:00 a.m.** before:

The Honorable David B. Gass
Southeast Judicial District
Courtroom 301
222 East Javelina Avenue
Mesa, Arizona 85210

Time Allotted: 2 hours. The Court will reserve ten minutes from each hour of trial for preliminary matters, procedural issues, and for breaks.

LET THE RECORD REFLECT that motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

Failure of counsel or of any party to appear at the hearing or to comply with the Orders below may result in the imposition of any or all available sanctions authorized by Rule 6.2, Local Rules of Superior Court, Maricopa County, including hearing this matter as a default.

IT IS FURTHER ORDERED:

1. The parties shall exchange lists of witnesses and exhibits thirty days prior to hearing. The lists shall disclose the testimony of each witness. A complete, numbered set of the exhibits listed shall be supplied to the other party together with the list, even if the exhibits have been previously produced. **Absent good cause, exhibits not exchanged will not be admitted, witnesses not listed will not testify, and testimony not disclosed will not be admitted.**
2. **Any objection to the exchanged exhibits shall be filed no later than seven (7) days prior to the hearing. Failure to file written objections shall be deemed a waiver of the right to object at the hearing.**
3. All discovery shall be completed no later than **February 8, 2012.**

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4. The parties shall file the following documents **March 1, 2012:**
 - a. A Joint Pretrial Statement required by Rule 6.8(b), Local Rules of Superior Court, Maricopa County.
 - b. **An Affidavit of Financial Information, if an affidavit has not been filed within the past six (6) months that is substantially accurate at the time of the hearing.**
 - c. If either party believes child support is an issue, a Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet.
 - d. **Any written objections to the admission into evidence of exhibits listed and exchanged by an opposing party. Objections that are not made are waived unless the basis for the objection was not known or could not reasonably have been known by counsel or the party making the objection.**
 - e. If spousal maintenance is requested, the party requesting spousal maintenance shall prepare a document listing the amount of spousal maintenance requested, the need for spousal maintenance, including a list of monthly expenses, and the factors under A.R.S. § 25-319 justifying the amount of spousal maintenance. The document shall be provided to the other party no later than **March 1, 2012.**
 - f. If division of debts is at issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred and who should pay the debt.

IT IS ORDERED that the parties and, if represented, counsel shall provide to the clerk of this division any exhibits they shall seek to admit into evidence. **All exhibits must be clearly identified, separated by a COLORED sheet and hand delivered to the Clerk of this Division no later than 11:00 a.m. on March 1, 2012. All exhibits shall be hand-delivered directly to court staff at this Division's suite.** No Trial exhibits shall be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking.

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Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.

The parties may present to the Court a Stipulation resolving any issues for a Stipulated Agreement, with accompanying documents subject to the Court's review of sufficiency, for immediate entry should the entire case be settled.

POSTPONEMENTS AND SCHEDULE CHANGES

Postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) court business days before the scheduled hearing.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

LET THE RECORD REFLECT that this Court cannot guarantee the quality of the reception and whether a person can hear or be heard during a telephonic appearance if requested and granted. If there is difficulty with the telephonic appearance the above-set Trial will NOT be reset. Please be sure that any telephonic appearance **MUST** be from a land line, not a cell phone, and not on speaker phone.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

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If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Respondent states his local address on the record. The address is not Respondent's address of record reflected on the Court's database.

IT IS ORDERED directing the courtroom clerk to update Respondent's address in ICIS as stated this date on the record in open court.

2:16 p.m. Matter concludes.

LATER:

On the Court's own Motion,

THE COURT FURTHER FINDS it is appropriate that the Order of Protection issued on November 7, 2011, be modified to permit email contact as ordered above.

IT IS ORDERED modifying the Order of Protection.

IT IS FURTHER ORDERED signing this minute entry as a formal written Order of the Court.

/ s / HONORABLE DAVID B. GASS

JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.